



## REGULAR MEETING MINUTES

**Wednesday, November 12, 2014  
Art Pick Council Chambers  
3900 Main Street, Riverside, CA**

### CASE REVIEW – 4:00 PM

#### Case Review Roll Call

Rotker	Hawkins	Ybarra	Taylor	Smith	Jackson	Roberts	VACANT	Adams
✓	✓	✓	✓	O	✓	B	■	✓

✓ = Present    **B** = Absent / Business    **S** = Absent / Sick    **V** = Absent / Vacation    **O** = Absent / Other  
**UE** = Absent / Unexcused    **L** = Late    **LE** = Left Early    **■** = Vacant

**STAFF:** Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

#### Oath of Office

City Clerk will administer the Oath of Office to newly-appointed CPRC Commissioner Greg Smith.

Recently-appointed Commissioner Greg Smith took the Oath of Office administered by Colleen Nicol, City Clerk for the City of Riverside. Commissioner Smith received a warm welcome from his fellow Commissioners.

#### Public Comment

This is an opportunity for members of the public to address the Commission on closed session items.

There were no public comments.

#### Closed Session – Case Review

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:05 PM to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

CPRC CASE NO.		RPD CASE NO.		CPRC CASE NO.		RPD CASE NO.	
1)	12-027	PA-12-10038		3)	14-012	PC-14-07033	
2)	13-003	PA-13-02006		4)	14-024	PC-14-07030	

The Commission recessed at 5:30 PM to reconvene in the Regular Meeting.

## REGULAR MEETING – 5:30 PM

Audio for the following proceedings is available on the CPRC website:

[www.riversideca.gov/cprc](http://www.riversideca.gov/cprc)

Copies can also be obtained by calling the CPRC office at (951) 826-5509.

### PLEDGE OF ALLEGIANCE

#### Regular Meeting Roll Call

Rotker	Hawkins	Ybarra	Taylor	Smith	Jackson	Roberts	VACANT	Adams
✓	✓	✓	✓	✓	✓	B	■	✓

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**STAFF:** Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

#### Public Comments

Public comment on any subject matter within the Commission's jurisdiction.

There were no public comments.

#### Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
A) October 22 Regular Meeting	Rotker	Ybarra	Rotker, Hawkins, Ybarra, Taylor, Jackson, Adams	0	Smith

#### CPRC Ad-hoc Committees

Reports from Committee Chairs, with Commission discussion and action, if any, regarding respective Committee activities and / or recommendations:

- A) Policies, Procedures, and By Laws Committee: Commissioner Rotker – Chair
- B) Outreach Committee: Vice-Chair Adams – Chair
- C) Policing and Mental Health Committee: Vice-Chair Adams – Chair
- D) NACOLE 2015 Conference Planning Committee: Commissioner Roberts – Chair

**A)** Policies, Procedures, and By Laws Committee: Commissioner Rotker – Chair  
Commissioner Rotker reported that the Committee met on October 23<sup>rd</sup>. He said it was a lengthy, but productive meeting and that the next meeting would take place on Friday, November 14<sup>th</sup>.

**B)** Outreach Committee: Vice-Chair Adams – Chair  
Vice-Chair Adams thanked Commissioner Ybarra, Mr. Hauptmann, and Ms. Sherron for their help with the presentations at the high schools. She said it was a lot of fun to talk to the students about what the Commission does and felt that bridging the gap between the Police Department and the public was really accomplished here. She said a letter needs to be sent to the woman at the Superintendent of Schools Office thanking her for her help and to make sure the Commission is invited back.

The Committee also met with Mr. Hauptmann to discuss the PowerPoint and the need for additional modifications to make it a better tool for presentations.

Chair Jackson thanked Vice-Chair Adams for her time in coordinating the presentations.

**C) Policing and Mental Health Committee: Vice-Chair Adams – Chair**

Vice-Chair Adams reported that the Lt. Hoxmeier is working with the Committee to discuss a presentation as a follow-up to the Mental Health forum that was held earlier in the year. She said the Lt. Hoxmeier has contacted three people from the Department of Mental Health to meet with the Committee. The Committee and Lt. Hoxmeier will schedule a meeting with the three people from Mental Health after the first of the year.

**D) NACOLE 2015 Conference Planning Committee: Commissioner Roberts – Chair**

Chair Jackson said that, due to Commissioner Roberts' absence, she would comment on the Committee's recent activities.

Chair Jackson reported that the deadline for submitting Workshop RFPs is December 5<sup>th</sup>. She said that because the Committee is trying to do some things that have not been done before, NACOLE wants those RFPs submitted early. She noted that since the Chiefs' Breakfast is something different, that RFP needs to be submitted before December 5<sup>th</sup>. Other Workshop RFPs the Committee is also considering are mental health and body cameras.

Before continuing, Chair Jackson explained the different groups involved in conference planning. She said the Commission's ad-hoc committee would be the Local Planning Committee, then there's NACOLE's Planning Committee, and the Scholarship Committee. She said that she and Commissioner Roberts are on NACOLE's Planning Committee, that she is on the Scholarship Committee, and that Commissioner Roberts is also on NACOLE's Finance Committee.

Chair Jackson said that the Commission will be sponsoring the opening ceremonies at the Historic Courthouse, and that the Scholarship Committee will host a fundraising dinner and that they are looking at Heroes as the potential venue for that event.

Chair Jackson asked that if anyone had any ideas for workshop sessions, they let the Committee know as soon as possible. She noted that even though the Committee may feel it has some great ideas for workshops, NACOLE makes the final decision as to what will be used for the conference.

Commissioner Taylor said he wanted to know if approval had been obtained for the Committee to ask businesses to offer a discount to conference attendees who presented their conference ID card.

Mr. Hauptmann said he spoke with a Deputy City Attorney about this and was told there could be some issues or concerns due to City policy. He said that in a situation of this nature, any of the funds have to go into a special City fund. Mr. Hauptmann was told, however, that it would be researched and that it would be discussed with the Interim City Attorney and that after he did that, he would contact Mr. Hauptmann. Mr. Hauptmann said that during this conversation, there was no indication as to whether or not the Committee would be able to do any fundraising or ask businesses to offer discounts to conference attendees.

Chair Jackson said he also needed to ask about placing advertisements. Mr. Hauptmann said it was the same situation because when the ad is paid for where does that money go.

Commissioner Taylor said soliciting for ads or fundraising can't be done, but noted that the other option did not involve either of these. He said that was just an "okay" from businesses to agree to give a discount to conference attendees.

Mr. Hauptmann said that the concern is that the businesses would have to be solicited in the name of the City. He said that it amounts to the same thing and that he would be advised by the City Attorney's Office on these various questions.

Chair Jackson noted that the Committee's next meeting was Friday, November 14<sup>th</sup>.

Chair Jackson said she had asked the NACOLE Planning Committee co-chairs about having a color guard because none of the conferences she had attended have never had a color guard. She said they saw no problem with that, especially if it is the Explorers. She said this would be done on Monday morning of the conference.

Chair Jackson said that everything is still in the planning stages. She said that NACOLE's Planning Committee expects to get approximately 50 Workshop RFPs by December 5<sup>th</sup>. The Planning Committee will make its recommendations to the NACOLE Board and then the Board will make its decision as to which workshops will be in the conference.

Chair Jackson also advised Commissioners that the NACOLE Board will be in Riverside the end of January 2015. On January 29<sup>th</sup>, Brian Buchner, NACOLE Board President, will host a "President's Reception" and has invited the Commission for a dinner at the Mission Inn.

### **Meetings and Training Sessions**

Reports from Commissioners regarding CPRC-based meetings, non-Outreach meetings, and / or training sessions attended in October / November.

Chair Jackson turned this item over to Vice-Chair Adams.

Commissioner Hawkins:

- Policies, Procedures, & By Laws Committee

Commissioner Taylor:

- NACOLE Planning Committee
- Outreach Committee

Commissioner Rotker:

- Policies, Procedures, & By Laws Committee

Vice-Chair Adams:

- NACOLE Planning Committee
- Outreach Committee

Chair Jackson:

- Two (2) meetings with NACOLE Scholarship Committee
- Policies, Procedures, & By Laws Committee
- Two (2) meetings with NACOLE's Planning Committee
- Local NACOLE Planning Committee
- Outreach Committee

Mr. Hauptmann:

- NACOLE Planning Committee
- Outreach Committee

Ms. Sherron:

- Policies, Procedures, & By Laws Committee
- NACOLE Planning Committee

## **Outreach**

### **A) October / November Outreach**

Reports from Commissioners regarding community meetings or events which they attended.

Vice-Chair Adams asked Commissioners to report on their recent Outreach activities.

Commissioner Ybarra:

- October 27: Presentations to Government Classes at Ramona High School
- October 30: Presentation to Class at Raincross High School

Vice-Chair Adams:

- October 27: Presentations to Government Classes at Ramona High School
- October 28: Presentations to Government Classes at Martin Luther King, Jr. High School
- October 30: Presentation to Class at Raincross Alternative High School

Chair Jackson:

- November 11: Veterans Luncheon sponsored by NAACP

Mr. Hauptmann:

- October 28: Presentations to Government Classes at Martin Luther King, Jr. High School

Ms. Sherron:

- October 27: Presentations to Government Classes at Ramona High School

### **B) Upcoming Outreach Events**

- 1) Legal Careers Day – Nov. 15<sup>th</sup> at 10 AM, Arlington High School
- 2) Grand Re-Opening of the Villegas Park Community Center, Nov. 15<sup>th</sup>, 1 – 3 PM
- 3) Mayor's Night Out – Nov. 19<sup>th</sup> at 6:30 PM, Franklin Elementary School

Vice-Chair Adams reviewed the list of upcoming Outreach events.

Chair Jackson said that she and Ms. Sherron would be going to Arlington High and Villegas Community Center also. She said that it's always good for Commissioners to attend events in that community.

### **C) Future Outreach Opportunities**

- 1) Input from Outreach Coordinator on potential outreach events
- 2) Input from Commission Members on potential outreach events

Chair Jackson noted that she had just received a letter from the City inviting her to present a brief report on the Commission's activities to the City Council at its meeting on Tuesday, December 16<sup>th</sup> at 6:15 PM. Commissioners were invited to attend the meeting as well. Chair Jackson asked Commissioners to attend this meeting if at all possible.

Commissioner Taylor asked that Ms. Sherron send the information on this for Commissioners to put on their calendars.

Vice-Chair Adams also noted that the group asking for a presentation at the Janet Goeske Senior Center had decided on a presentation regarding finances. Ms. Sherron said that when she spoke to the meeting coordinator she asked that the Commission be considered for a future presentation.

## **NEW BUSINESS**

### **Hopes Officer-Involved Death (OID) Case Evaluation**

Begin discussion and action, if any, on the Hopes OID Case Evaluation. The Commission may return to discussion of completed Stages, if needed.

- A) Stage I – Commission Member Review: In Process**
- B) Stage II – Fact Finding, Request for Training & Investigation**
- C) Stage III – Policy and Procedure Process**
- D) Stage IV – Deliberation and Finding Process**
- E) Stage V – Recommendation Process**
- F) Stage VI – Written Public Report**

Chair Jackson asked if any Commissioner had been able to review the whole case yet. Commissioner Rotker said he had and she asked if he would be willing to give a summary of the case. Mr. Hauptmann asked to speak prior to Commissioner Rotker's summary.

Mr. Hauptmann said that the Commission's investigator, Mike Bumcrot, would speak to the Commission on his final report of a case. Due to his workload, however, Mr. Bumcrot was not sure he would be able to have his report completed in time for this meeting. Mr. Hauptmann said Mr. Bumcrot would be scheduled to speak at the December meeting.

Chair Jackson asked Commissioner Rotker to give his summary.

Before giving his summary of the case, Commissioner Rotker said the Commission is waiting for two documents: the Fact Sheet and Mr. Bumcrot's report.

Commissioner Rotker then began his summary. He said that Mr. Hopes was a passenger in a vehicle that was westbound on the 91 Freeway. That vehicle was involved in a collision with another vehicle and the two cars pulled over. A civilian saw Mr. Hopes get out of the car he was in and was seen running up the freeway off-ramp with a gun in his hand. The civilian called 911 to notify RPD of this.

RPD officers responded and set up a perimeter. Officers saw Mr. Hopes go to the back of the Chevron gas station. Mr. Hopes raised his weapon towards them and shots were fired. As a result, Mr. Hopes was fatally wounded. Mr. Hopes was fleeing from police and disregarding their commands to put down the weapon and the officers had no alternative but to return fire.

Commissioner Rotker said one thing he thought was unusual in this case is that the gun Mr. Hopes was shooting a gun that had expended rounds in it. Commissioner Rotker said that when RPD looked at the gun, it had six expended cases in the cylinder. He said that even though Mr. Hopes was aiming the gun at officers, he was shooting a gun that did not contain live ammunition. He said he would like more information on this during the review of this case. He said he would also like to know why it took five shots with a long rifle to hit Mr. Hopes, but he did know that Mr. Hopes was moving and that the incident occurred at night.

Commissioner Rotker said that was a summary of the incident. He noted again that Mr. Hopes ran around to the back of the gas station. The officers saw him. The K-9 officer fired his weapon, hitting Mr. Hopes, and Officer Disla fired his AR-15 and Mr. Hopes was brought down on the fifth shot.

Vice-Chair Adams said that in her review, the two vehicles got off of the freeway at Van Buren and hit the median on Van Buren. It was at that point that Mr. Hopes got out of the car.

Vice-Chair Adams said that in Tab 1 of the casebook, Officer Cleary was shown as a victim officer, and said she didn't understand why he was noted this way.

Chair Jackson said it was her understanding that if an officer was being shot at, but didn't fire his weapon, he would be considered a victim.

Chair Jackson said they were now waiting for Mr. Bumcrot's final report and the Fact Sheet. She asked Commissioners to review as much of the case as possible and have any questions and potential training suggestions ready by the next meeting.

Mr. Hauptmann commented on Vice-Chair Adams' question. He said that if someone points a weapon, loaded or not, at a peace officer, it is a crime. Whenever there is a crime against a peace officer, that officer is the victim of that crime.

Commissioner Taylor said that Officer Cleary was with Officers Hibbard and Disla when this incident occurred. While Officer Cleary had his gun deployed, he could not fire his weapon because one of the other officers got in his way. Because Officer Cleary was there during this incident, he is considered a victim. The other officers are listed as involved officers because they fired their weapons.

Vice-Chair Adams said that her question doesn't really impact the case, but that she was just curious about why Officer Cleary was shown as a victim.

Commissioner Hawkins asked if the officers have to declare themselves as victims when involved in an incident of this nature. Mr. Hauptmann said it depends on whether or not an officer was faced with a certain threat by the suspect. In a situation like this one, the officers would be considered victims since they were in the line of fire whether or not they fired and whether or not the suspect fired. If another officer had been present, but not within the suspect's line of fire, this officer would not be considered a victim.

Chair Jackson closed by again noting that they were waiting for the Fact Sheet and Mr. Bumcrot's final report, and that Commissioners had been asked to have questions and requests for training ready for the next meeting.

### **Staff Report**

Mr. Hauptmann advised Commissioners that the Council Chambers would be in use until 5 PM on December 10<sup>th</sup>, the date of the December Regular Meeting. He said that if there were cases for review, the Case Review meeting would either be held in a City Hall conference room or held over until the January meeting.

### **Commission Member Comments**

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

Commissioner Taylor asked for an update on the Ward 6 recruitment. Mr. Hauptmann said that there were now three applicants and it was hoped that interviews would be done in December.

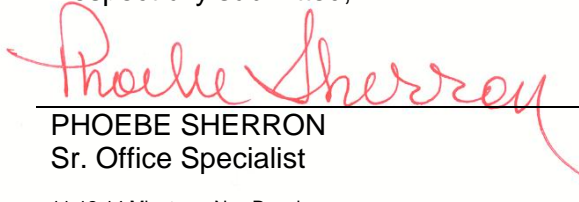
### **Items for Future Commission Consideration**

There were no items for future consideration.

## **Adjournment**

The Commission adjourned at 6:26 PM.

Respectfully submitted,



PHOEBE SHERRON  
Sr. Office Specialist

11-12-14 Minutes – Nov Regular